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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ABITSCH & ABITSCH, LLC,

Plaintiff,

v.

DARUKA WANIGATUNGA,

Defendant.

Case No.: C12-1039 JSC


**JUDICIAL REFERRAL PURSUANT
TO LOCAL RULE 3-12(c)**

Pursuant to Civil Local Rule 3-12(c), the undersigned Judge refers this case to the Honorable Samuel Conti with a request to consider whether it is related to Case No. 11-5319, as the two matters “concern the same parties, property, transaction or event.” See L.R. 3-12. On January 25, 2012, Judge Conti remanded this unlawful detainer action, rejecting Defendant’s assertion that removal was proper because Defendant planned to file a counter-complaint against Plaintiff based on the Federal Debt Collection Practices Act (“FDCPA”). Case No. 11-5319, Dkt. No. 10 (Jan. 25, 2012 Remand Order). Judge Conti further noted that Defendant had made the same removal argument unsuccessfully in Case No. 11-4833, which was remanded on October 7, 2011. Nonetheless, Defendant has remanded the case to this Court for a third time and now alleges that “[a]fter the matter was remanded, Plaintiff finally produced documents and other things requested well before the initial removal . . . [which]

1 indicate that a federal question exists and that this matter is properly in the federal court.”
2 (Dkt. No. 1 at 3.)
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4 **IT IS SO ORDERED.**

5 Dated: March 6, 2012
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8 JACQUELINE SCOTT CORLEY
9 UNITED STATES MAGISTRATE JUDGE
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